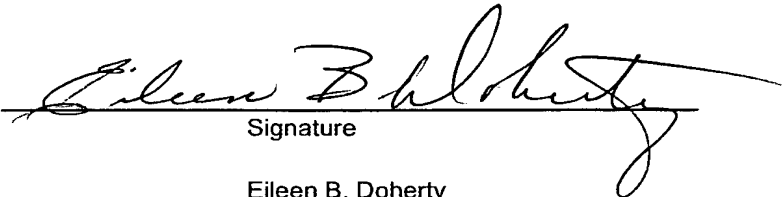


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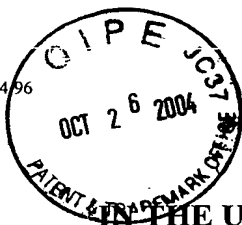
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10/619722

PT0060USNA

Response to Restriction Requirement



JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

THOMAS ALLAN BARBER, ET AL.

CASE NO.: PT0060 USNA

APPLICATION NO.: 10/619,722

GROUP ART UNIT: 1711

FILED: JULY 15, 2003

EXAMINER: JOHN M. COONEY

FOR: AROMATIC POLYESTER POLYOLS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed 09/24/04, Applicants respectfully request consideration of the following remarks.

The Examiner has required restriction under 35 USC 121 as follows:

Group I. Claims 1-6, 9-13, and 16-25 for polyester polyol and method.

Group II. Claims 7-8, 14-15, and 26-29 for foam and method.

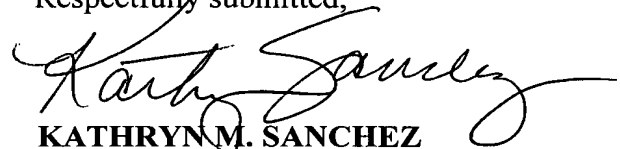
Applicants hereby elect Group I, claims 1-6, 9-13, and 16-25, with traverse. Applicants reserve the right to file a divisional application on the other Group should the restriction requirement be made final, and the claims of the other Group are not rejoined.

Groups I and II were stated to be related in an intermediate-final product relationship, and to be patentably distinct as the intermediate product is useful to make other than the final product. Group I is directed to a polyester polyol composition and method. Group II invention is related to use of Group I invention. As such, these inventions are related to one another.

Applicants submit that according to 37 C.F.R. 1.141 as cited in MPEP 806.05(i), "[i]f the process of making the product and the product are not distinct, the process of using may be joined with the claims directed to the product and the process of making the product even though a showing of distinctness between the product and process of using the product can be made."

Applicants therefore respectfully submit that the restriction requirement is improper and request that the restriction requirement be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn Sanchez', written in a cursive style.

KATHRYN M. SANCHEZ

AGENT FOR APPLICANT

Registration No.: 43,081

Telephone: (302) 992-2025

Facsimile: (302) 892-7925